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MAILED

MAR 24 2009

In re Application of
James F. AARON
Application No. 10/824,265
Filed: April 14, 2004
Attorney Docket No. **275143.100**

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 2008 to revive the above-identified application, which, for the reasons stated below, is being treated as a request for a two (2)- month extension of time.

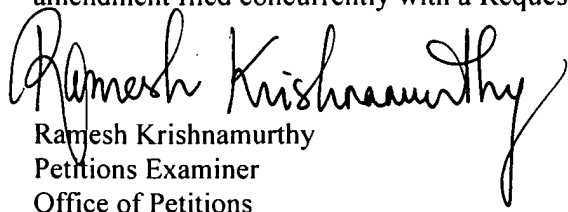
The request for a two (2)-month extension of time is **GRANTED**.

The record shows that a Final Office action was mailed on August 07, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before November 07, 2008, or on or before January 07, 2009 with the submission of a two-month extension of time fee pursuant to the provisions of 37 CFR 1.136(a). A response to the Final Office action was filed December 22, 2008. Since petitioner may obtain an extension of time up to an including three months, this case is not in fact abandoned. Accordingly, the filing of a petition to revive is inappropriate until the maximum extendable period for reply has expired.

In view of the above, the \$810 petition fee submitted will be refunded to petitioner's Deposit Account 50-3325 in due course.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 3679 for appropriate action on the amendment filed concurrently with a Request for Continued Examination on December 22, 2008.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions